

MYRNA L. JOHNSON v. FRED MEYER STORES, INC.**ASCHR No. C-O2-132****AFFIDAVIT OF MARANDA WILBURN**

I, Maranda Wilburn, being first duly sworn upon oath, depose and state as follows:

1. I am more than 19 years of age, and competent to testify regarding these matters, based on personal knowledge and belief.
2. My mailing address is 5370 Commercial Boulevard, Juneau, AK 99801.
3. I first joined the Juneau store of Fred Meyer, Inc. ("Juneau Store") in 1998 as a part-time Garden Center cashier. Several months later, I was promoted to the Ready-to-Wear section head, which was a full-time position, and continued to be employed in this position until 2000.
4. In 2001, I returned to the Apparel Department of the Juneau Store as a part-time clerk. Within a few months, my duties were changed to that of a "Merchandising and Display Specialist" in Apparel Department and I continued to work on a part-time schedule. After returning to the Juneau Store, I typically worked two to three days each week.
5. In May of 2003, I resigned from Fred Meyer, Inc., after San Miguel falsely accused me of not completing my work. That false accusation arose because I had complained to him about his conduct towards me in front of Fred Sayre the preceding day.
6. I first became acquainted with Ms. Johnson when I joined the Juneau Store and she was one of my supervisors at the Juneau Store, both when I was a full-time employee and after I became a part-time employee.
7. I continued to have contact with Ms. Johnson on a regular basis until the time that her employment was terminated.

MJ Exhibit 35**Page 1 of 3**Exhibit
WitnessDate 1/24/06
Jaime San Miguel
Lynda Batchelor Barker, RDR
3 pages

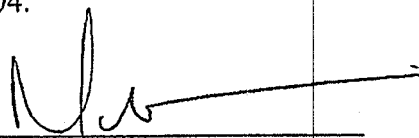
8. Throughout my professional association with Ms. Johnson, I found her to be hardworking and very professional. Myrna had good relations with her co-workers and subordinates and was excellent at training the employees who worked under her supervision.
9. I first learned that Ms. Johnson had been terminated from the Juneau Store when Mr. San Miguel, her supervisor, called a meeting on or about March 18, 2002, and stated that Myrna was not going to be working at the Juneau Store anymore because she had "acted unprofessionally."
10. Mr. San Miguel's explanation for Myrna's termination was that she had not done a "good recovery" one night and was not doing her job as a manager.
11. A "good recovery" in short means that everything was put away in the proper spot when the Juneau Store closed. Quite frankly, I considered this reason for Myrna's termination to be laughable since no other Assistant Manager or Person in Charge before or since, to the best of my knowledge, has ever been terminated for this reason
12. Myrna had been at the Juneau Store for years and was a hard-working and respected employee. In addition, when Mr. San Miguel was going through a divorce a year or so earlier, Ms. Johnson had picked up many of the duties of his job since he would leave work early or go in the back of the Store and cry.
13. At no time had I ever heard anybody complain about the recovery when Myrna was in charge. Consequently, San Miguel's reason for Myrna's termination just made no sense to those of us who had worked at the Store or who had worked with Myrna.
14. After I heard Mr. San Miguel's explanation for terminating Myrna, I recalled various things that I had heard or seen that ultimately led me to conclude that San Miguel had pushed Myrna out of her job in order to replace her with a

younger and attractive female employee.

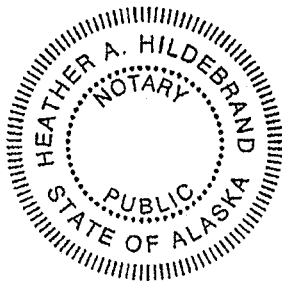
15. Ms. Havard, who is in her twenties, had been brought to the Juneau Store from another Fred Myers, Inc. store in Alaska while Myrna Johnson was on leave attending to some medical problems related to her teen-age daughter.
16. While Ms. Johnson was still on her leave, I got the distinct impression that Johnna wanted to transfer to the Juneau Store from my dealings with her.
17. Shortly before Ms. Johnson returned from her leave of absence, Ms. Havard remarked to me that Mr. San Miguel was offering her an Assistant's position.
18. After San Miguel terminated Myrna, Johnna Havard was hired almost immediately.
19. Havard's comments to me about being offered the Assistant's job while Myrna was on leave coupled with the flimsy reason San Miguel gave for terminating Myrna and Myrna's excellent performance and dependability during the years I worked with her made it obvious to me and other employees at the Juneau Store that San Miguel fired Myrna so he could give Ms. Havard her job.
20. I have also noticed that San Miguel tends to show favoritism to young, attractive female employees.

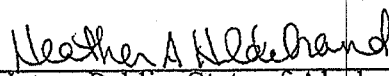
FURTHER your affiant sayeth naught.

DATED this 20th day of February, 2004.


Maranda Wilburn

SUBSCRIBED and SWORN TO before me this 20th day of February, 2004.




Notary Public, State of Alaska
My commission expires: 7/4/07